

From: Karl Auerbach
To: Microsoft ATR
Date: 1/15/02 4:04am
Subject: Microsoft Settlement

I am presently the North American Elected Director on the Board of Directors of the Internet Corporation for Assigned Names and Numbers (ICANN).

I am a member of the Internet Engineering Task Force (IETF).

I was recently named a Yuen Fellow of Law and Technology at the California Institute of Technology (CalTech) and Loyola Law of Los Angeles.

I have started several companies over the years and have been closely associated with several other startups.

I have been a developer of software since the late 1960s and have been working on the Internet since its inception in the early 1970's.

I have experienced first hand the damage that Microsoft has caused to the software industry and to the Internet.

One startup with which I was associated was very definitely "Microshafted" when Microsoft used its operating system monopoly to subsidise and to give away, without visible charge to the customer, a product that directly competed with our products. Later, when we tried to modify our products to be compatible with those from Microsoft, I heard (secondhand) that Microsoft played a shell game with enabling keys to their modules, thus forcing us to dance to their tune.

It is my belief that the proposed settlement will do nothing to prevent Microsoft from continuing to wreck havoc.

As a Director of ICANN I am responsible to protect the "stability" of the Internet. Yet I see a great threat to the future of universal and impartial interconnectivity of the Internet arising out of Microsoft's leveraging of its dominance of user platforms to starve out any non-Microsoft technologies or implementations.

The proposed settlement is inadequate. It does nothing to redress the harm that Microsoft has caused. And it institutionalizes those abusive and predatory practices so that they will be repeatedly visited upon us and our children in the years to come.

The proposed settlement should be rejected in favor of a settlement that truly will remedy the past damages and prevent their recurrence in the future.

--karl--

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